

APPLICATION 8. INTERGOVERNMENTAL COORDINATION ELEMENT AMENDMENTS

Amend the Intergovernmental Coordination Element as follows. Additions are denoted by underline; deletions by ~~strikethrough~~.

CHAPTER 8: INTERGOVERNMENTAL COORDINATION ELEMENT

(Reference: ~~§9J-5.015(3), F.A.C.~~)

§8-1: INTERGOVERNMENTAL COORDINATION GOALS, OBJECTIVES AND IMPLEMENTING POLICIES. This section stipulates goals, objectives, and implementing policies for the Intergovernmental Coordination Element pursuant to ~~¶163.3177, F.S., and §9J-5.015(3), F.A.C.~~ Florida Statutes.

Reason for Amendment: To reflect changes in Florida Statutes.

GOAL 8-1: PROVIDE MECHANISMS FOR IMPROVED INTERGOVERNMENTAL COORDINATION. The City shall undertake actions necessary to establish governmental relationships designed to improve the coordination of public and private entities involved in development activities, growth management, and resource conservation.

OBJECTIVE 8-1.1: INTERGOVERNMENTAL COORDINATION AND COORDINATION OF COMPREHENSIVE PLAN WITH MONROE COUNTY, THE REGION AND THE STATE. As the Comprehensive Plan is being amended, or implemented, the City shall systematically coordinate the development and implementation of the City's Comprehensive Plan with the plans of Monroe County, the Monroe County School Board, and other units of local government through the Monroe County Comprehensive Plan Technical Committee. In addition, impacts of the City Comprehensive Plan upon adjacent jurisdictions, the region or the State shall be coordinated with public agencies in the region and with the State. As a minimum, the process of coordination shall occur every six months as the Plan is considered for amendment. The intent is that coordination occurs on a continuing basis.

~~Upon plan adoption the~~ The City shall ~~adopt amended~~ continue to enforce land development regulations which include administrative and site plan review criteria that require applicants for development approval to obtain permits from County, regional and State agencies having jurisdiction prior to granting a final development order.

Monitoring Measure: Achievement of the implementing policies.

Reason for Amendment: Update and include Monitoring Measure.

Policy 8-1.1.1: Responsible Entity for Intergovernmental Coordination. The City Commission shall be responsible for ensuring an effective intergovernmental coordination program for the City. The City Planner or his designated representative shall represent the City on the Monroe County Technical Coordination Committee.

Policy 8-1.1.2: Coordination with Adjacent Jurisdictions. The City shall request that Monroe County transmit copies of its proposed comprehensive plans amendments for the City's review for purposes of intergovernmental coordination and to promote consistency with the City's adopted Plan.

Policy 8-1.1.3: Principles and Guidelines to be used in Coordination of Development and Growth Management Issues. Considering the growth and development limitations in Monroe County as a whole resulting from hurricane evacuation requirements, level of service standards, and environmental constraints, and considering the impact that growth and development in the City of Key West will have on the rest of Monroe County, the City shall coordinate with Monroe County and the Cities of Key West, Colony Beach, Village of Islamorada, City of Marathon, and Layton regarding the allocation of additional development. ~~Upon plan adoption the~~ The City shall ~~establish~~ maintain a multi-agency development review process in order to coordinate intergovernmental and resource management issues surrounding proposed development and redevelopment. The City shall also ~~incorporate~~ continue to enforce procedures in the land development regulations to ensure that all issues surrounding development impacts on wetlands or other resources under federal and/or state jurisdiction are managed based on timely coordination, exchange of information, and appropriate follow-up by the City and all agencies having jurisdiction over the issue. The City shall request jurisdictional determinations from all appropriate agencies prior to the issuance of development orders or building permits for all sites within the City.

The City shall pursue resolution of development and growth management issues with impacts transcending the City's political jurisdiction, by participating in the Monroe County Technical Coordination Committee. Issues of regional and state significance shall be coordinated with the South Florida Regional Planning Council, the South Florida Water Management District, and/or State agencies having jurisdictional authority. Issues to be pursued include but are not limited to the following:

1. Impacts of development proposed in the Comprehensive Plan on Monroe County, the region or the State.
2. Monroe County land development activities adjacent to the City's corporate limits.
3. Research regulatory framework and implementation of affordable housing programs to implement the guidelines established by the Florida Keys Affordable Housing Task Force.

4. The City shall ensure that the development review process for proposed sighting and improvements of foster care or group home facilities is coordinated through the Department of Health and Rehabilitative Services.
5. In addition to historic preservation activities which shall be carried out by the City's Historical Architectural Review Commission, improvements involving rehabilitation or adaptive reuse shall be coordinated with the State Division of Historical Resources. Also, the City shall investigate using the Inner City Ventures Fund of the National Trust for Historic Preservation, the Neighborhood Housing Services model or other public and semi-public funding sources.
6. City of Key West land development activities adjacent to the unincorporated area of the County.
7. Potential annexation issues.
8. Coordinate with Monroe County in resolving intergovernmental coordination, technical, political and financial management issues surrounding the potential expansion of City of Key West sewerage services to North and South Stock Island as recommended in the 201 facility study.
9. Area wide drainage and stormwater management master plan, proposed improvements, and implementing programs.
10. ~~Solid waste disposal, including development of new landfill facilities, recycling resources, and other improvements required in order to comply with the 1988 Solid Waste Recovery Act. Prior to 1991, the City of Key West determined that the most cost effective solid waste plan was to site a landfill or ash fill in Monroe County. The City's analysis showed that it was even more beneficial for the City and County to jointly site an ash fill in the lower Keys (west of Seven-Mile Bridge). Under such conditions the County could transport their solid waste located west of the Seven-Mile Bridge to the N. Stock Island incinerator for processing. However, the County chose to abandon such a plan and, instead, haul all their raw waste outside of the County. In light of Monroe County's actions, the City has initiated regional solutions with Dade and Broward County. The Solid Waste sub-element identifies the components of the City strategy, including the City's committed funding for hauling ash outside the County.~~
140. Research, engineering, and strategies for managing level of service impacts of new development and tourism on major transportation linkages and critical intersections impacting the City and adjacent unincorporated areas.
121. Level of service standards for infrastructure system impacting the City and adjacent unincorporated areas.

132. Natural resource conservation, including protecting and enhancing water quality; protecting living marine resources, especially the coral reef; wetland preservation; seagrass protection; and preservation of tidal lands and other environmentally sensitive lands in the Salt Ponds. Developing effective regulatory frameworks for managing impacts of development on these coastal resources and coordinating program structures for land acquisition using public or conservation trust funds. In addition, the City is carrying out the following specific activities which will improve water quality and other natural systems. These activities involve intergovernmental coordination as explained below.

The City of Key West has been and shall continue to submit, on a monthly basis, operating records of the City's wastewater treatment plant (WWTP) to ~~DEP~~ the State and the US-EPA. The data indicate the WWTP is meeting the requirements of its permit of 20mg/l BOD and 20 mg/l TSS. There are not permit requirements for nutrient effluent quality; however, the data indicate the effluent quality is comparable to what could be termed advanced wastewater treatment quality (nutrient removal). On this basis the plant effluent can already be considered advanced wastewater treatment (AWT) effluent quality.

The City, as stated in the Sanitary Sewer sub element, shall allocate funds required to design and permit deep well injection facilities. The City is committed to switching its primary wastewater treatment plant disposal to deep well injection as opposed to continued use of the existing ocean outfall. The ocean outfall has been the subject of criticism from environmental interest who charges that the outfall is degrading near shore water quality and adversely impacts the coral reef system. However, as documented in the Sanitary Sewer sub element, there is no data that conclusively shows that nutrients from the City ocean outfall as opposed to nutrients from the stormwater runoff or other pollutant sources are causing adverse impacts. Nevertheless, the City has committed resources to deep well injection and is working with ~~DEP~~ the State and US-EPA to achieve necessary permitting pursuant to the schedule identified in the Sanitary Sewer sub element.

In addition, the City is rehabilitating the sewer system to remove saline infiltration/inflow (I/I) in the City's wastewater system. This issue is also being coordinated with ~~F-DEP~~ the State. The issue including existing estimated I/I and projected future reductions in I/I are cited in the Sanitary Sewer sub element. The sewer system rehabilitation should substantially reduce exfiltration of sewage through leaky sewers during low tide and help protect the freshwater lens that is already polluted. A recent U.S. Geological Survey report on the freshwater lens under Key West (Water Resources Potential of the Freshwater Lens at Key West, Florida, USGS, Water-Resources Investigations Report 90-4115, 1990) indicates nitrate concentrations in the freshwater lens are high, indicative of sewage pollution.

The City is, and shall continue to, coordinating drainage permitting activities with the Florida Department of Environmental ~~Regulation~~ Protection, the South Florida Water Management District and the U.S. Army Corps of Engineers. The Stormwater Master Plan identifies general values for typical stormwater concentrations of nitrogen and phosphorous, the primary nutrients threatening the water quality and the coral reefs. Furthermore, the City has adopted level of service standards for nutrients which are cited in the level of service standards for wastewater treatment plant effluent in the Sanitary Sewer sub element.

143. Coordination and implementation of the F-DOT 5-year Transportation Plan and County road improvement strategies managed through the Monroe County Joint Transportation Coordinating Committee.
- ~~15. The City of Key West shall participate in the subject Monroe County initiative which shall integrate the transportation plans of Monroe County with plan of all incorporated areas. An urban area model shall be developed and the implications of scheduled improvement plans within unincorporated and incorporated areas shall be assessed. The study shall yield a "cost feasible" transportation plan for the year 2010. This planning process will include a technical coordinating committee on which the City of Key West shall serve. The City shall also coordinate with DOT, DCA, SFRPC, and other state and regional agencies concerned with assessing traffic impacts of proposed development. These activities shall be coordinated through a multi-agency development review committee that shall be established by the City upon adoption of the Comprehensive Plan.~~
164. Application of the South Florida Water Management District (SFWMD), Save Our Rivers (SOR) Program resources in efforts to enhance water quality and acquire strategic lands for littoral zones, buffer areas, wetland preservation, storm water retention, floodplain protection or other applicable purposes.
175. Management of land use adjacent to the Key West International Airport in order to ensure that future land use in the area is consistent with FAA regulations and does not encroach upon established noise attenuation envelopes (contours) or hazard zones. ~~Upon adoption of the Comprehensive Plan, the~~ The City of Key West shall continue to coordinate with the FAA and Monroe County through the multi-agency development review committee whenever proposed developments in the vicinity of the airport are submitted to the City for review. In addition, the City shall coordinate any proposed changes in the land development regulations which impact the airport, airport operations, or adjacent land uses.
186. Coordination of hurricane evacuation plans, shelter space allocations, and post disaster recovery management plans with Monroe County. ~~Upon completion of the comprehensive plans of the County and incorporated municipalities, the City shall participate in a County technical coordinating~~

~~committee which shall convene to evaluate issues relates to updating the County hurricane evacuation model. The model shall be updated to accommodate new data provided in the completed comprehensive plans of the County and all municipalities within the County.~~ Following the update of the model, the County and municipalities shall develop an updated hurricane evacuation plan which shall include reconciling comprehensive plan and hurricane evacuation issues identified during the update of the model and through operations research and analysis of land use, population, and transportation. The City shall participate in the County's technical coordination committee convened to update and implement planning and management activities.

The City shall implement the hurricane and transportation conclusions and policies relative to residential units' allocation which are adopted by Monroe County and all municipalities. The City shall amend its comprehensive plan to include policies related to permanent and non-permanent residential allocations, requisite density restrictions, and other policies such as land acquisition or other measures necessary to avoid a taking of private property without just compensation. Finally, the City shall seek federal and state funds required to purchase private property for purposes of responding in a lawful manner to growth management issues impacting an area of state and national critical concern.

197. Coordination with the Monroe County School Board in implementing a system of joint school parks. The City should participate on a school facility joint-use technical coordinating committee in order to promote wider application of the joint-use concept. Issues such as avoiding conflicts in activity schedules should be coordinated through the committee.

~~2018. Negotiate with the U.S. Navy for purposes of retaining the use of Peary Court as a recreational resource.~~ With the consent of the U.S. Navy, and other applicable military entities, the City, the U.S. Navy, and other appropriate military entities shall develop a formal coordinating committee which shall convene, at a minimum, quarterly for purposes of exchanging data on demographics, housing, and development. In addition, the committee shall identify issues of mutual concern impacting planning development, natural resource conservation, and public infrastructure. The committee shall development management strategies for resolving such issues. The City's representative shall regularly communicate to the City Commission concerning major issues addressed, proposed management strategies, and any recommended action required by the City Commission.

~~2419.~~ Coordinate approaches to regulating live-aboards with the State and Monroe County. The live-aboards currently anchor offshore on State-owned bay bottoms. The live-aboards generally do not use marina facilities to pump out their waste products but rather dump directly into marine waters. This practice has a deleterious impact on water quality. ~~Upon plan adoption the~~ The City shall,

within its very limited jurisdiction, continue to prohibit the use of these waters for water dependent activities that are contrary to the public interest and do not satisfy a community need. ~~All marinas within the City shall be retrofitted with pump-out stations by the end of 1992.~~ Use of pump-out facilities shall continue to be mandatory for all vessels and live-aboard units. An implementing regulatory program shall require participation by the federal, State and County since the vessels and live-aboards are located on waters of the State.

220. The City will continue to coordinate with the Monroe County Board of County Commissioners in implementing portions of the most current Monroe County Beach Restoration Management (1990) Plan impacting the City of Key West.

23. ~~Prepare by 1992 a framework for coordinating development and facility plans of the Navy with growth management plans of the City.~~

24. ~~As meetings are convened by Monroe County, the City of Key West shall participate on the Monroe County Technical Coordinating Committee, using this Committee as an informal forum for resolving conflicts among Monroe County, municipalities within the County, the School Board, and other special purpose district or entities which provide services but do not have regulatory authority over the use of land. The City of Key West shall work with and support Monroe County efforts to establish an informal mediation process for solving intergovernmental coordination problems among local governments and other units of local governments providing services but not having regulatory authority over the use of land. Where the City is unable to resolve intergovernmental conflicts through the Monroe County Technical Coordinating Committee structure, the City Commission shall use informal mediation processes provided by the South Florida Regional Planning Council.~~

251. The City shall involve Monroe County in the Site Plan Review process for proposed developments generating impacts on the transportation system which transcend City boundaries, as well as review of development that impacts the level of service on U.S. 1 outside the City limits. The Florida Department of Transportation shall be involved in the Site Plan Review process for proposed development generating impacts on the level of service on U.S. 1.

Reason for Amendment: Update.

Policy 8-1.1.4: Coordinating Provision Services and Information. The City of Key West shall provide information and services concerning impacts of the Comprehensive Plan on development and resource conservation activities. Such coordination shall involve Monroe County through the Monroe Technical Coordination Committee and shall involve public agencies in the region and the State by effectively interacting with such agencies as the respective agencies carry out their functions. Such information shall

include providing information and services needed from the City to efficiently execute the respective programs of regional and State agencies.

Policy 8-1.1.5: Annexation Study. The City of Key West acknowledges a need to prevent urban sprawl and disjointed urban service delivery systems. In addition, the City desires to develop a plan for managing potential annexation, including areas such as ~~South Stock Island and Key Haven~~. The City may choose to enter into a joint agreement with Monroe County for the purpose of encouraging planning activities in advance of any potential jurisdictional changes.

Therefore, by ~~1995~~ 2013 the City of Key West shall prepare an annexation study which analyzes the potential for incorporating ~~South Stock Island and possibly Key Haven~~. The study shall document issues surrounding potential development within the unincorporated urban area. The City of Key West annexation study shall include:

1. Review and evaluation of Monroe County land development forecasts and supportive documentation associated with development within the unincorporated urban area comprising ~~South Stock Island~~ and Key Haven.
2. The analysis should consider at a minimum:
 - Population and housing projections.
 - Traffic circulation linkages and issues of mutual City/County concern.
 - Water and wastewater service systems, including intergovernmental coordination issues.
 - Drainage and natural water basins.
 - Natural features restricting development.
3. Identify linkages established by employment and/or consumer good markets which may effectively link residents of ~~South Stock Island and~~ Key Haven with the City of Key West.
4. Analyze infrastructure issues, including improvement needs based on development forecasts.
5. Determine unincorporated areas which should logically be serviced by the City of Key West. Identify relative advantages and disadvantages. For instance, the 201 Wastewater Facility Study recommended that the City of Key West service Stock Island.
6. Recommend a strategy for improving, planning and managing development within ~~South Stock Island and~~ Key Haven, including annexation alternatives. The recommendations shall include but not be limited to:
 - Procedures for intergovernmental coordination of land use policy governing development within these unincorporated areas; and

- Policies and or actions for developing efficient systems for: 1) delivering municipal services; and 2) achieving diversification of the municipal tax base.

Reason for Amendment: Update and reflect current annexation priorities.

OBJECTIVE 8-1.2: CONFLICT RESOLUTION. As meetings are convened by Monroe County, the City of Key West shall participate on the Monroe County Technical Coordinating Committee, using this Committee as an informal forum for resolving conflicts among Monroe County, municipalities within the County, the School Board, and other special purpose districts or entities which provide services but do not have regulatory authority over the use of land.

Monitoring Measure: Achievement of the implementing policies.

Reason for Amendment: Update and included Monitoring Measure.

Policy 8-1.2.1: Informal Mediation Process. The City of Key West shall work with and support Monroe County efforts to establish an informal mediation process for solving intergovernmental coordination problems among local governments and other units of local governments providing services but not having regulatory authority over the use of land.

Policy 8-1.2.2: Mechanisms for Intergovernmental Coordination Review. The City of Key West shall use the Monroe County Technical Coordinating Committee structure as an informal conflict resolution forum to assist resolution of intergovernmental coordination problems.

Policy 8-1.2.3: Coordination with the South Florida Regional Planning Council. Where the City is unable to resolve intergovernmental conflicts through the Monroe County Technical Coordinating Committee structure, the City Commission shall use informal mediation processes provided by the South Florida Regional Planning Council. The dispute resolution process shall, within a reasonable set of timeframes, provide for: voluntary meetings among the disputing parties; if those meetings fail to resolve the dispute, initiation of mandatory mediation or a similar process; if that process fails, initiation of arbitration or administrative or judicial action, where appropriate.

Reason for Amendment: Update.

OBJECTIVE 8-1.3: INFRASTRUCTURE SYSTEMS AND LEVEL OF SERVICE STANDARDS. ~~Upon plan adoption the~~ The City of Key West shall ~~adopt amended~~ enforce land development regulations which include a concurrency management program that requires specific issues surrounding level of service standards for existing and proposed public facilities within the City and adjacent areas to be coordinated with all

State, regional, or local agencies or private entities having existing or proposed future responsibility for the operation and maintenance of such facilities.

Monitoring Measure: Achievement of the implementing policies.

Reason for Amendment: Update and include Monitoring Measure.

Policy 8-1.3.1: Coordinate Regional and City/County Infrastructure Issues. The City shall work with various Monroe County special committees on matters including wastewater service to North Stock Island, fire and police mutual aid and assistance, the Solid Waste Committee, the Joint Transportation Committee, and other similar committees in addressing issues surrounding regional or city/county infrastructure systems. Specific issues are referenced in Policy 8-1.1.3.

Policy 8-1.3.2: Cooperation with the South Florida Regional Planning Council (SFRPC). The City shall cooperate with the South Florida Regional Planning Council in the review of regional policies and standards which require coordination with local governments. The City of Key West shall coordinate with the SFRPC in all matters of regional significance in which the SFRPC desires City input, including but not limited to, development of regional impact (DRI's), comprehensive plan review, intergovernmental coordination and review of projects of regional significance (ICR projects).

Policy 8-1.3.3: Capital Improvement Program Coordination. During preparation of the annual capital improvements program, the City of Key West shall evaluate all applicable State, regional, and local programs proposed for funding in order to promote consistency with the Comprehensive Plan.

OBJECTIVE 8-1.4: MULTI-JURISDICTIONAL ENVIRONMENTAL ISSUES. The City shall utilize its multi-agency development review process in order to coordinate intergovernmental and resource management issues surrounding proposed development and redevelopment. The City's land development regulations shall include procedures to ensure that all issues surrounding development impacts on wetlands or other resources under federal and/or state jurisdiction are managed based on timely coordination, exchange of information, and appropriate follow-up by the City and all agencies having jurisdiction over the issue. The City shall request jurisdictional determinations from all appropriate agencies prior to the issuance of development orders or building permits for all sites within the City.

As a minimum, twice annually the City shall coordinate with the Monroe County Technical Coordinating Committee and/or other similar organization established by Monroe County to ensure consistent and coordinated management of multi-jurisdictional environmental issues. The City shall similarly coordinate annually with the U.S. Coast Guard, the U.S. Army Corp of Engineers, the U.S. Fish and Wildlife Service, ~~DNR, DEP and other~~ state agencies having jurisdiction on matters surrounding preservation of water quality, and other development issues impacting marine resources.

Reason for Amendment: Update.

Policy 8-1.4.1: Liaison with Permitting Agencies. Establish formal liaison with County, State, and federal agencies which that have permitting responsibility within the City of Key West.

Reason for Amendment: Readability.

Policy 8-1.4.2: Management of Water Quality, Tidally Influenced Lands, and Other Resource Management Issues Impacting the City and Outstanding Florida Waters. In order to effectively manage the impacts of development on natural resources, the City shall coordinate with the SFWMD in using the resources of the Surface Water Improvement (SWIM) and the Save Our Rivers (SOR) programs. The City will also coordinate issues impacting the Florida Key Critical Area of State Concern Program.

OBJECTIVE 8-1.5: DATA BASE MANAGEMENT AND COORDINATION. The City of Key West Planning Department ~~annually shall develop and~~ consistently update and maintain an appropriate concurrency management system ~~data base~~ in order to further the goals, objectives, and policies of the Comprehensive Plan.

Monitoring Measure: Achievement of Level of Service standards.

Reason for Amendment: Update and include Monitoring Measure.

Policy 8-1.5.1: Generate Necessary Data. The City of Key West shall predicate growth management policies and land development strategies upon quantifiable data, where appropriate, that are consistent with recognized areawide projections and forecasts.

~~The City has completed a land use and housing field survey (June, 1991) and shall immediately commence developing a land use and housing information system by real estate parcel and street address.~~

In addition, the City shall ~~develop~~ maintain a concurrency management spread sheet which shall include the capacity of infrastructure components together with available capacity. ~~The development of the concurrency management spread sheet has been subcontracted to JHK and Associates. The firm shall use data provided by the entities responsible for the respective infrastructure components as cited below:~~

Infrastructure

Principal Entities Supplying Data

Roadways
Potable Water

City of Key West, Monroe County, F-DOT
City of Key West, Florida Keys Aqueduct Authority,
SFWMD, Monroe County

Wastewater Service	City of Key West, Key West Resort Utilities, DER, EPA
Solid Waste	City of Key West, Monroe County
Drainage	City of Key West, DER, SFWMD, US Corps of Engineers
Parks and Recreation	City of Key West, Monroe County, Monroe County School Board

~~The City shall initiate a multi-agency development review committee which shall include County, State; regional and federal agencies that enforce laws or policies at the County, State, regional, or federal level that impact or are impacted by proposed development and redevelopment within the City. The multi-agency development review committee shall be used to assist the City in maintaining a current data base concerning natural resources and infrastructure within the City of Key West.~~

Reason for Amendment: **Update.**

Policy 8-1.5.2: Consideration of Areawide Data Resources. The City shall collect and analyze data developed by Monroe County, the Monroe County School Board, and other public entities providing services but not having regulatory authority over the use of land.